

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SANDI D. JACKSON, individually,)
and as next friend and parent)
of KEELY A. JACKSON, a minor)
child under the age of)
eighteen years old,)
)
Plaintiffs,)
) No. 3:06-0182
v.) JUDGE ECHOLS
)
FRANK NIX, SUSIE YONKERS,)
JEANNIE COLE, AMY BURKE,)
SHANNON ATKINSON, KIM WILSON,)
TERESA TOWERY, AMY NIX,)
KERI CRESS, VIOLA MILLER, all)
sued in their individual)
capacity,)
)
Defendants.)

ORDER

For the reasons stated in the Memorandum entered contemporaneously herewith,

(1) Defendants' Motion to Dismiss The First Amended Complaint (Docket Entry No. 37) is hereby GRANTED IN PART and DENIED IN PART, as follows:

(A) Plaintiffs' claims against Viola Miller are hereby DISMISSED WITH PREJUDICE, as Plaintiffs agree that Defendant Miller should be dismissed from the case. (Docket Entry No. 42, Plaintiff's Response to the Defendant's Motion to Dismiss at 1.)

(B) Plaintiff Sandi D. Jackson's claims are hereby DISMISSED WITH PREJUDICE under Federal Rule of Civil Procedure 12(b)(6) because such claims are barred by the one-year statute of limitations.

(C) Defendants' Motion to Dismiss the claims of minor Plaintiff Keely A. Jackson, brought by her next friend and parent, Plaintiff Sandi D. Jackson, is hereby DENIED WITHOUT PREJUDICE to Defendants' right to seek dismissal on the ground of qualified immunity after Plaintiff has again amended her complaint.

(2) Plaintiff Sandi D. Jackson, as next friend and parent of Keely A. Jackson, is hereby granted leave to amend her Amended Complaint (Docket Entry No. 35), **no later than twenty-one (21) days after entry of this Order**, to include all factual allegations necessary to show that Defendants violated clearly established law and are not entitled to qualified immunity.

This case is returned to the Magistrate Judge for further proceedings under Local Civil Rule 16.01.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE